

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN SENATE JUNE 7, 2011

AMENDED IN ASSEMBLY MAY 5, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 7, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 547

Introduced by Assembly Member Gatto

February 16, 2011

An act to add Section 18573.5 to the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Gatto. Voting.

Existing law permits a voter who is unable to mark a ballot to receive the assistance of not more than 2 persons, selected by the voter, at a polling place. In addition, existing law imposes criminal penalties on specified activities that interfere with another person's right to vote, including defrauding a voter who cannot read the ballot by deceiving and causing him or her to vote for a candidate that he or she did not intend to vote for.

This bill would provide that a person is guilty of a misdemeanor; ~~punishable by a fine not to exceed \$10,000 for each vote cast~~, if he or she, while providing care or direct supervision to an elder, as defined, in a state-licensed or state-subsidized facility or program, coerces or

deceives the elder into voting for or against a candidate or measure contrary to the elder's intent or in the absence of any intent of the elder ~~regarding that vote. to cast a vote for or against that candidate or measure. This bill would also provide that a violation of that provision would be punishable by imprisonment in a county jail or a fine or by both that imprisonment and fine, as specified.~~

This bill would impose a state-mandated local program by creating an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18573.5 is added to the Elections Code,
2 to read:

3 18573.5. (a) It is a misdemeanor, ~~punishable by a fine not to~~
4 ~~exceed ten thousand dollars (\$10,000) for each vote cast, for a~~
5 person who is providing care or direct supervision to an elder in
6 a state-licensed or state-subsidized facility or program to coerce
7 or deceive the elder into voting for or against a candidate or
8 measure contrary to the elder's intent or in the absence of any
9 intent of the elder ~~regarding that vote to cast a vote for or against~~
10 ~~that candidate or measure.~~

11 (b) For purposes of this section, "elder" has the same meaning
12 as set forth in Section 15610.27 of the Welfare and Institutions
13 Code.

14 (c) *A violation of this section is punishable by imprisonment in*
15 *a county jail not to exceed six months or by a fine not to exceed*
16 *ten thousand dollars (\$10,000) per ballot containing a vote cast*
17 *by the elder as a result of the coercion or deception or by both*
18 *that imprisonment and fine.*

19 (d) *Nothing in this section shall preclude prosecution under any*
20 *other provision.*

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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